



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd Floor
New York, New York 10007*

July 29, 2021

MEMO ENDORSED

BY ECF

Honorable Sidney H. Stein
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Oakes v. Dep't of Defense*, 20 Civ. 7591 (SHS)

Dear Judge Stein:

This Office represents the Department of Defense ("DOD") in the above-captioned action, which Plaintiff brings pursuant to the Freedom of Information Act ("FOIA"). I write on behalf of both parties to provide the Court with a status update, as required by the Court's June 28, 2021, order, and in advance of the status conference currently scheduled for August 4, 2021. *See Dkt. No. 19.*

As the parties informed the Court in their prior letter, after productions had completed in May of 2021, they had conferred in order to determine whether they could resolve several outstanding issues between them without the need for motion practice. Since the last status update, the parties have been able to resolve these issues and motion practice will not be necessary as to the merits of this action. One of these issues related to certain contracts that Plaintiff sought with respect to a private entity. Specifically, DOD had contracted with a prime contractor—Mullen. In turn, Mullen had a subcontract with Equifax Database Services with respect to data management related to DOD's Joint Advertising, Market Research and Studies Recruiting Database ("JAMRS"). Through this FOIA, Plaintiff sought the subcontracts between Mullen and Equifax Database Services. DOD acknowledges that, as of approximately 2010, Mullen no longer subcontracted the JAMRS database management to Equifax Database Services. Mullen replaced Equifax Database Services with Epsilon Marketing Technology as its subcontractor. In light of this, Plaintiff is no longer seeking these subcontracts between Mullen and Equifax Database Services.

Therefore, the case has been resolved as to the merits, and with an eye toward a global resolution resulting in a stipulation of voluntary dismissal, the parties are now seeking to resolve Plaintiff's claim for attorney's fees. *See 5 U.S.C. § 552(a)(4)(E)(i).* To that end, Plaintiff intends to provide DOD with a demand and information supporting the basis for that demand (e.g. billing records). Thereafter, DOD will evaluate this information and the parties will attempt to resolve

this issue without the need to litigate a motion with respect to fees. Accordingly, the parties respectfully request that the court adjourn the August 4 status conference *sine die*, and that they provide the Court with a status update with respect to fees by September 29, 2021.

Sincerely,

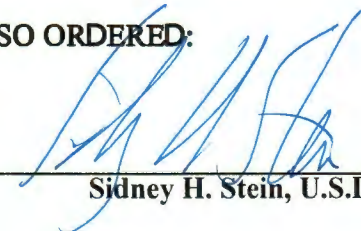
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The status report is due September 29, 2021. The conference will be held on September 29 at 9:00 a.m., unless a stipulation of dismissal is filed before that date.

**Dated: New York, New York
August 2, 2021**

SO ORDERED:



Sidney H. Stein, U.S.D.J.